

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 12, 1944
11:00 A.M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

Roll call

Present : Councilmen Alford, Gillis, Mayor Miller - 3
Absent : Councilmen Bartholomew and Wolf - 2

Present also: J. E. Motheral, City Engineer; Joe B. Roberts, Assistant City Attorney; and R. D. Thorp, Chief of Police.

The minutes of the Regular Meetings of September 28 and October 5, 1944, were read; and on motion of Councilman Gillis were adopted as read by the following vote:

Ayes : Councilmen Alford, Gillis, Mayor Miller
Noes : None
Absent: Councilmen Bartholomew and Wolf

R. E. JAMES appeared before the Council and requested immediate action on his application which is pending for a loading ramp and spur track on property owned by him adjacent to the Colorado River west of Lamar Boulevard, being the south part of Lots 1 and 2, Block 9, Raymond's Subdivision of Lot 11, Division "Z". Applicant further went on record as declaring that he has no intention of excavating in the area in question, to wit, the Sand Beach Reserve and the property above described, but is only asking for a permit to build a loading ramp on his own property, which is zoned as Industrial; that he is not asking for any sand and gravel operation and does not think he ever will, but if it should reach that stage, that will be a separate matter and have no bearing on this matter.

After considerable discussion, the matter was again taken under advisement, pending an opinion from the Acting City Attorney on the City's legal rights in the matter.

MAJOR HORACE SHELTON extended an invitation to the City Council and the Acting City Manager to attend the annual barbecue of the Veterans of Foreign Wars, Edwin G. Hutchings Post No. 856, at Zilker Springs on Friday, October 13, at 8:00 P. M., and for the Mayor to deliver an address on that occasion. The invitation was accepted with thanks.

The application of T/SGT. CHARLES E. GLENDANIEL, Bergstrom Field, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Gillis, Mayor Miller
 Noes : None
 Absent: Councilmen Bartholomew and Wolf

The application of PFC. RAYMOND W. GAUTHIER, Bergstrom Field, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Gillis, Mayor Miller
 Noes : None
 Absent: Councilmen Bartholomew and Wolf

The application of CPL. BENJAMIN HEILIG, Bergstrom Field, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Gillis, Mayor Miller
 Noes : None
 Absent: Councilmen Bartholomew and Wolf

The application of TOONERVILLE, 5412 Georgetown Road, for a beer license, duly approved by the Acting City Manager, was submitted. Councilman Gillis moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Gillis, Mayor Miller
 Noes : None
 Absent: Councilmen Bartholomew and Wolf

The application of DIXIE GRILL, 408 South Congress Avenue, for a wine and beer license, duly approved by the Acting City Manager, was submitted. Councilman Gillis moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Gillis, Mayor Miller
 Noes : None
 Absent: Councilmen Bartholomew and Wolf

The application of HAGE & HAGE PACKAGE STORE, 312 West 6th Street, for a license to operate a package store, duly approved by the Acting City Manager, was submitted. Councilman Alford moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Gillis, Mayor Miller
 Noes : None
 Absent: Councilmen Bartholomew and Wolf

The application of EL SIELO AZUL, 715 East 6th Street, for a wine and beer license, duly approved by the Acting City Manager, was submitted. Councilman Alford moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Gillis, Mayor Miller
 Noes : None
 Absent: Councilmen Bartholomew and Wolf

It was moved by Councilman Gillis that the taxicab driver's permit issued to JOYCE WILLIAM BAKER be revoked, upon the recommendation of the Chief of Police. The motion carried by the following vote:

Ayes : Councilmen Alford, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Bartholomew and Wolf

It was moved by Councilman Gillis that the taxicab driver's permit issued to THOMAS A. TAYLOR be revoked, upon the recommendation of the Chief of Police. The motion carried by the following vote:

Ayes : Councilmen Alford, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Bartholomew and Wolf

Councilman Alford offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be, and the same is hereby, permitted to lay and construct its gas mains in and upon the following streets:

- (1) A gas main in EAST 13TH STREET from Coletto Street west 67 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of, and parallel to, the north property line of said East 13th Street.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

- (2) A gas main in COLETO STREET from East 13th Street north 119 feet, the centerline of which gas main shall be $6\frac{1}{2}$ feet west of, and parallel to, the east property line of said Coletto Street.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

- (3) A gas main in AVENUE G, from a point 116 feet north of East 53rd Street north to city limit line, the centerline of which gas main shall be 14 feet west of, and parallel to, the east property line of said Avenue G.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

- (4) A gas main in EAST 11TH STREET from a point 99 feet east of Lincoln Street easterly 104 feet, the centerline of which gas main shall be 22 feet south of, and parallel to,

the north property line of said East 11th Street.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

- (5) A gas main in GREGORY STREET from a point 145 feet east of Lawson Lane easterly 46 feet, the centerline of which gas main shall be 6 feet south of, and parallel to, the north property line of said Gregory Street.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

- (6) A gas main in CATALPA STREET from a point 204 feet west of Waller Street westerly 100 feet, the centerline of which gas main shall be 11 feet north of, and parallel to, the south property line of said Catalpa Street.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

- (7) A gas main in JEWELL STREET from a point 86 feet east of south 5th Street westerly 61 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of, and parallel to, the north property line of said Jewell Street.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

- (8) A gas main in EAST 10TH STREET from a point 240 feet west of East Avenue westerly 120 feet, the centerline of which gas main shall be 20 feet south of, and parallel to, the centerline of said East 10th Street.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after

said mains have been laid, shall be under the supervision and direction of the City Manager and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Alford, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Bartholomew and Wolf

It was moved by Mayor Miller that upon the recommendation of the Chief of Police, JAMES WILLIAM LAWLER, 311 East 14th Street, be granted a 90-days probational taxicab driver's permit, and that he report to the Chief of Police in the meantime, and if his record is satisfactory at the expiration of said probational period, permit be made permanent. The motion carried by the following vote:

Ayes : Councilmen Alford, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Bartholomew and Wolf

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Walter E. Seaholm, Acting City Manager, be, and he is hereby authorized and directed to execute for and in behalf of the CITY OF AUSTIN a special warranty deed to Walter Hancock, conveying all the right and title acquired by the City of Austin to Lot No. 1, Block 7, Outlet 38, Division "B", in the City of Austin, located at 1200 East 14th Street, which was conveyed to the City of Austin by two deeds recorded in Vol. 459, pages 339-340, and Vol. 446, pages 6 and 7, respectively, Deed Records of Travis County, Texas, under foreclosure of its tax lien on said property against Walter Hancock and his wife, Olivia Hancock, for such consideration and on such terms and conditions as the said Walter E. Seaholm may deem adequate and sufficient; but such conveyance shall require the purchaser to assume all taxes owing to the State and County.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Alford, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Bartholomew and Wolf

The City Engineer was instructed to write the Railway Company, requesting that it rush the work of taking out the concrete headers and paving of the track area along Third Street between Congress Avenue and Nueces Street.

The following resolution was introduced by Councilman Alford, who moved its adoption:

(RESOLUTION)

WHEREAS, it has been determined that the assessment for taxes for

the year 1943 on the improvements located on the Southwest One-fourth of Outlet 78, Hyde Park Pavillion, Park Subdivision, City of Austin, assessed in the name of Milton B. Clapp, is excessive; and that the same should be corrected for said year, and subsequent years; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT the assessment for taxes on said property for the year 1943 and subsequent years be, and the same is hereby, reduced and corrected from the present assessed value of \$14,975.00 for said years to \$12,364.00 for said years; and the City Tax Assessor and Collector is hereby authorized and directed to change on his rolls the assessed valuation of the above described property in accordance with the terms of this resolution.

2. THAT the penalty and interest on the taxes on said land and improvements for the year 1943 are hereby remitted, and the City Tax Assessor and Collector is hereby authorized and directed to charge said penalty and interest off his rolls for said year.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Alford, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Bartholomew and Wolf

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin taxes for the years 1940 to 1943, both inclusive, were assessed in the name of Harvey and Joe Harrell on the South 68 feet of Lots 7, 8, and 9, Block 126, Original City, in the City of Austin, Travis County, Texas; said taxes for said years being in the amount of \$751.84, and for nonpayment of same at maturity, penalty in the sum of \$37.59 has been assessed, and interest in the amount of \$90.79 has accrued, making the total amount of taxes, penalties, and interest due \$880.22; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$37.59 and one-half of the interest in the sum of \$45.40 ; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the aforesaid penalty in the sum of \$37.59 and one-half of the interest in the sum of \$45.40 are hereby remitted, and the Tax Assessor and Collector of the City of Austin is hereby authorized and directed to charge said penalty in the sum of \$37.59 and said interest in the sum of \$45.40 off his rolls and to issue to the party entitled to receive same a receipt in full upon the payment of the aforesaid taxes and one-half of the interest, as aforesaid.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Alford, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Bartholomew and Wolf

There being no further business, upon motion seconded and carried,
the meeting was recessed at 11:55 A. M., subject to call of the Mayor.

Approved: Tom Miller
MAYOR

ATTEST:

Shallie M. Keller
CITY CLERK